

Message Text

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SUBJ: LAW OF THE SEA - BURMA'S TERRITORIAL SEA AND MARITIME ZONES

LAW

SUMMARY

THIS CABLE SUMMARIZES THE GUB LAW ON TERRITORIAL SEA AND MARITIME ZONES (PYITHU HLUTTAW LAW NO. 3 OF 1977) WHICH WAS APPROVED BY THE RECENT SESSION OF THE PEOPLE'S ASSEMBLY AND SIGNED INTO LAW BY BURMA'S PRESIDENT ON APRIL 9. FULL TEXT OF LAW BEING POUCHED TO THE DEPARTMENT. END SUMMARY.

1. ON APRIL 9 PRESIDENT NEW WIN PROMULGATED THE TERRITORIAL SEA AND MARITIME ZONES LAW (PYITHU HLUTTAW LAW NO. 3 OF 1977). THE LAW DEFINES BURMA'S TERRITORIAL SEA, CONTIGUOUS ZONE, CONTINENTAL SHELF AND EXCLUSIVE ECONOMIC ZONE, AND SETS FORTH THE DEGREE OF CONTROL THE GUB EXERCISES OVER EACH AREA.

TERRITORIAL SEA

2. BURMA'S TERRITORIAL SEA EXTENDS 12 NAUTICAL MILES FROM PRESCRIBED BASELINES. FOREIGN SHIPS OTHER THAN WARSHIPS

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HAVE THE RIGHT OF INNOCENT PASSAGE THROUGH THIS AREA, BUT FOREIGN FISHING VESSELS MUST SECURE GEAR AND EQUIPMENT. RESEARCH SHIPS MUST HAVE GUB PERMISSION TO ENGAGE IN ANY RESEARCH ACTIVITY, AND FOREIGN WARSHIPS REQUIRE GUB PERMISSION TO ENTER THESE WATERS.

CONTIGUOUS ZONE

3. CONTIGUOUS ZONE OF BURMA IS AN AREA BEYOND AND ADJACENT TO THE TERRITORIAL SEA. IT EXTENDS 24 NAUTICAL MILES FROM THE BASELINES. IN THIS AREA BURMA EXERCISES SUCH CONTROL AS NECESSARY TO SAFEGUARD ITS SECURITY AND TO PERMIT AND PUNISH INFRINGEMENT OF ITS REGULATIONS WITHIN ITS TERRITORY OR TERRITORIAL WATERS.

CONTINENTAL SHELF

4. BURMA'S CONTINENTAL SHELF COMPRISES THE SEABED AND SUBSOIL TO THE OUTER EDGE OF THE CONTINENTAL MARGIN, OR TO 200 MILES WHERE THAT MARGIN DOES NOT EXTEND UP TO THAT DISTANCE. BURMA RETAINS THE SOVERIGN RIGHT TO EXPLOIT, CONSERVE AND MANAGE BOTH LIVING AND NON-LIVING NATURAL RESOURCES IN THIS SHELF. IT ALSO CLAIMS JURISDICTION OVER SCIENTIFIC RESEARCH AND POLLUTION CONTROL IN THIS AREA. PRIOR PERMISSION OF THE GUB IS REQUIRED FOR EXPLORATION, EXPLOITATION, RESEARCH, DRILLING, EXCAVATION AND CONSTRUCTION AND OPERATION OF ARTIFICIAL ISLANDS, OFF-SHORE TERMINALS OR OTHER STRUCTURES.

EXCLUSIVE ECONOMIC ZONE

5. THIS ZONE EXTENDS TO A DISTANCE OF 200 NAUTICAL MILES FROM THE BASELINES. IN THIS AREA BURMA CLAIMS EXCLUSIVE JURISDICTION OVER EXPLORATION, EXPLOITATION, RESEARCH AND ENVIRONMENTAL PROTECTION. SHIPS AND AIRCRAFT OF ALL STATES ENJOY FREEDOM OF NAVIGATION OF WATERS AND AIRSPACE IN THIS AREA.

6. COMMENT: IN PRESENTING THIS LAW FOR APPROVAL
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THE GUB COUNCIL OF MINISTERS REPORTED THAT NATIONS OF THE WORLD HAVE ACCEPTED A 200-MILE EXCLUSIVE ECONOMIC ZONE, BUT THE RIGHTS AND DUTIES PERTAINING TO IT ARE STILL BEING DISCUSSED AT THE UN LAW OF THE SEA CONFERENCE. UNTIL NOW BURMA POSTPONED ACTION ON SUCH A LAW BECAUSE OF ITS PARTICIPATION IN THIS CONFERENCE. HOWEVER, SEVERAL NATIONS BEGAN DECLARING EXCLUSIVE ECONOMIC ZONES WITHOUT WAITING FOR THE OUTCOME OF THE CONFERENCE, AND TO PROTECT BURMA'S INTERESTS THE TIME HAS COME TO DECLARE A 200-MILE EXCLUSIVE ECONOMIC ZONE.

7. THE GUB CLAIMS TO HAVE SEIZED ABOUT \$500,000 WORTH OF FISH FROM POACHERS IN BURMESE WATERS LAST YEAR AND \$1.15 MILLION WORTH OF SMUGGLED GOODS FROM SHIPS IN THESE WATERS. HOWEVER, THIS ACCOUNTS FOR ONLY A SMALL FRACTION OF THE ILLICIT ACTIVITY IN BURMA'S WATERS UNDER THE 12-MILE LIMIT. THE GUB OBVIOUSLY LACKS THE CAPABILITY TO ENFORCE THE MORE EXTENSIVE CLAIMS OF THE NEW LAW, BUT IT WILL UNDOUBTEDLY ATTEMPT TO DO SO, PERHAPS ON A SELECTIVE BASIS.

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